IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP. No. 115 of 2002(L)

PETITIONER:

P.M. ANTONY, S/O. MANI, AGED 47 YEARS,
PUNNAKUNNEL HOUSE, PINDIMANA KARA,
PINDIMANA VILLAGE.

BY ADV. SRI. PEEYUS A. KOTTAM

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY**
   SECRETARY, REVENUE DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE DEPUTY THAHASILDAR (RR),**
   KOTHAMANGALAM.

3. **THE DISTRICT REGISTRAR, (GENERAL)**
   ERNAKULAM, KOCHI-18.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. No. 115 of 2002(L)

Order on C.M.P. No. 115/2002 in O.P. No. 115/2002

Dismissed.

06.06.2007 **Sd/- KURIAN JOSEPH, JUDGE.**

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND RESPONDENT DATED 17.12.2001.

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

O.P. NO. 115 OF 2002

Dated this the 6th day of June, 2007.

J U D G M E N T

Petitioner approached this Court with certain grievances regarding steps taken for recovery of stamp duty. Learned Government Pleader submits that the petitioner could not be heard in the matter because he did not appear pursuant to the notice. However, there is no evidence regarding service of notice. After having heard the learned counsel appearing for the petitioner, I am of the view that it is only in the interests of justice that the third respondent considers the issue after hearing the petitioner also. Accordingly, the impugned final orders are set aside without prejudice to the liberty to the third respondent to pass fresh orders in accordance with law after affording a fresh opportunity for hearing to the petitioner.

The original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp